

## Memorandum

To: Subcommittee on Interim Strong Mayor  
From: James Ingram  
Re: Proposed Charter Language for the Redevelopment Agency--REVISED  
Date: August 5, 2007

Per the Subcommittee's request for charter language making the Mayor the Executive Director for the Redevelopment Agency, I have drafted the following for your consideration. This language expressly exempts the Housing Authority, as inclusion of that entity might not withstand a court challenge:

### *Proposed Charter Language*

#### Administrative Authority of the Mayor – Option 1 (with veto)

##### **Section 265: The Mayor**

(k) The Mayor shall serve or be designated as the administrative head of any body established by federal or state law for which the City Council acts as the governing or legislative body. In that capacity, the Mayor shall supervise the administrative affairs of such body, and shall have the same administrative and procedural authority over the affairs of the body as the Mayor has with respect to the City of San Diego, including the power of veto, subject only to the superior provisions of federal or state law, or superior authority of the City Council acting as the governing or legislative body. The terms of this section shall not apply to the City's Housing Authority.

#### Administrative Authority of the Mayor – Option 2 (without veto)

##### **Section 265: The Mayor**

(k) The Mayor shall serve or be designated as the administrative head of any body established by federal or state law for which the City Council acts as the governing or legislative body. In that capacity, the Mayor shall supervise the administrative affairs of such body, and shall have the same administrative and procedural authority over the affairs of the body as the Mayor has with respect to the City of San Diego, subject only to the superior provisions of federal or state law, or superior authority of the City Council acting as the governing or legislative body. The terms of this section shall not apply to the City's Housing Authority.

### *Staff Discussion of These Two Options*

As drafted, neither of these options would affect the actions of the City Council when it acts as the Housing Authority. At the same time, this language would apply to any future body the state or federal law creates, for which the Council acts as the governing or legislative body, unless controlling law prevents such application.

Given that the City's Housing Authority does not direct City staff, there is good reason for treating that agency differently than the Redevelopment Agency. Unlike the Redevelopment Agency, the Housing Authority does not cloud the clarity of the Strong Mayor-Council system by requiring that staff work under the direction of two principals. In addition, as Les Girard's August 16, 2007 letter to the Subcommittee has indicated, the Mayor exercises authority over the Housing Authority through the role that he or she plays in the zoning process.

The Subcommittee raised the issue of whether the City Council should be given a legislative veto in situations where the Mayor is the Executive Director. The Los Angeles Charter creates an executive veto for the actions of boards and commissions that serve to make policy, but not over executive actions that take place during the implementation of the policies they have adopted. The United States Constitution does not permit the legislative veto (see *I.N.S. v. Chadha*), yet the President and Congress continue to enact laws that provide one in areas where the Congress fears over-delegation and the President is willing to accept oversight in exchange for enhanced discretion in policy implementation.

The City Council could presumably deny the Mayor funding, as another mechanism of oversight of that officer's actions as Executive Director of the Redevelopment Agency. However, this is a blunt instrument of oversight, and would require the City Council to wait until the next budget adjustments or fiscal year to employ such controls.